

HJ 42 – PH 3-21-14

Sent: Thursday, March 20, 2014 3:33 PM

To: Jud Testimony

Subject: I am in favor of overturning the claims commissioner ruling on Charla Nash

I am in favor of the General Assembly overturning the ruling of the claims commissioner which denied Charla Nash the ability to file a complaint against the State in superior court. If it wasn't enough that Charla Nash's claim was denied, Attorney General George Jepsen has used his position as a bully pulpit through his January 28, 2014 editorial in the Hartford Courant (Legislators Should Deny Chimp Case Appeal) to further influence the state legislature.

Attorney General Jepsen has tried to sway the legislature and the public through fears of tax increases. In addition, Jepsen has attempted to mislead the public and the legislature when he said the state has no duty to protect the injured citizen from the failure of a private party to follow the law. In order for the claims commissioner to give permission to sue the state, he must be persuaded that the claim presents an issue of law or fact under which the state, were IT A PRIVATE PERSON, could be liable.

Law is supposed to be based on common sense. One could argue that when the then Department of Environmental Protection stated that the chimp was an accident waiting to happen and did nothing about it, that could be the equivalent of a private person who allowed her dog to wander and it threatened someone, but continued to allow it to roam and then it hurt or killed someone. In either instance, the facts could be interpreted as similar. Law again is supposed to be based on common sense.

There is no guarantee that any person will ultimately prevail in court. But Charla Nash should be given her chance by the General Assembly.

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